

**IN THE UNITED STATES BANKRUPTCY COURT
FOR DISTRICT OF DELAWARE**

IN RE:

TED PARKER HOME SALES, INC.

Debtor

CHAPTER 7

CASE NO. **99-02729-KJC**

Re: Docket Nos. 620, 623

Hearing Date: May 17, 2016 at 10:45 am

Objection Deadline: May 10, 2016 at 4:00 pm

**MOTION OF CHAPTER 7 TRUSTEE
FOR THE RETURN OF FUNDS THAT WERE PAID INTO THE COURT**

Jeffrey L. Burtch, the Chapter 7 Trustee for the estates (the “Estate”) of Ted Parker Home Sales, Inc. (the “Debtor”) files this Motion for the Return of Funds Paid into the Court (the “Motion”). In support of the Motion, the Trustee respectfully represents as follows:

JURISDICTION

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The subject matter of this Motion is a core proceeding pursuant to 28 U.S.C. § 157(b).

BACKGROUND

2. On July 22, 1999, the Debtor filed a voluntary petition for relief under Chapter 11 of the United States Code.

3. On April 11, 2000, the Court entered an Order granting the Debtor’s motion to convert the case to a case under Chapter 7 of the Bankruptcy Code.

4. On April 17, 2000, Jeffrey L. Burtch, Esquire, was appointed as interim trustee of the Estate and is serving as trustee (the “Trustee”) pursuant to Section 702(d) of the Bankruptcy Code.

RELIEF REQUESTED

5. On February 18, 2016, the Trustee filed his Motion to Turnover Unclaimed Funds to the Court (“Motion to Turnover”) [D.I. 620]. On March 22, 2016, this Court entered the Order Granting the Motion to Pay Unclaimed Funds to Court [D.I. 623].

6. Thereafter, the Trustee paid \$191,323.73 into the Court as Unclaimed Funds.

7. However, after the funds were paid into the Court, the Trustee discovered that two creditors’ amounts that were included in the Motion to Turnover had in fact cleared the bank and were cashed by the creditor. Therefore, through this Motion, the Trustee is requesting the return of those funds to redistribute to all creditors in the case.

8. Francine Parker, Claim No. 10039 in the amount of \$2,306.83 received her funds on August 13, 2013.

9. Jessie Johnson, Claim No. 1034 in the amount of \$250.00 received her funds on June 27, 2013.

10. Both amounts for Ms. Parker and Ms. Johnson were included in the amount turned over to the Court. Therefore, the Trustee would request that the Court enter an Order for the return of the amount of \$2,556.83.

WHEREFORE, JEOFFREY L. BURTCH, TRUSTEE, Chapter 7 Trustee, respectfully requests that the Court permit the Clerk of the Court to return the funds of \$2,556.83 to the Trustee.

Dated: April 5, 2016

/s/ JEOFFREY L. BURTCH, TRUSTEE
JEOFFREY L. BURTCH, Chapter 7 Trustee
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